

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54739 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- Excise P.S. District- Begusarai

Om Prakash Kumar @ Om Prakash S/o Mundrika Prasad R/o Mohalla - East
Ashok Nagar, Road No 14A, Lohia nagar, P.S- Kankarbagh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 08-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection
with Excise PS Case No. 226 of 2024 instituted for the offences
under Sections 30(a), 32(3) & 30(f) of the Bihar Prohibition and
Excise Act, 2018.

3. The prosecution case, in short, is that total 224
litres of codeine syrup was recovered from a pickup van.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.
The name of the petitioner transpired in this case on the basis of
owner of the pickup van. Learned counsel for the petitioner,
therefore, contends that *prima-facie* no case is made out against



the petitioner. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. Other co-accused has been granted bail by this Court vide order dated 23-10-2024, passed in Cr. Misc. No. 53808 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that vide gazette notification dated 18.10.2016, the Government of Bihar has notified that all medicines or medical preparations containing (i) Codeine and (ii) Dextropropoxyphene as ingredients be treated to be intoxicants for the purposes of the Bihar Prohibition and Excise Act, 2016.

6. From a perusal of the records, it appears that the present case has been instituted under Section 30(a) of the Excise Act. Therefore, the provisions of the NDPS Act are neither attracted nor applicable to the present case.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two



sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise PS Case No. 226 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

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